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Debtor.

: CASE NO.: 17-10046-CLB
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: CHAPTER: 13
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: HON. CHIEF JUDGE: CARL L.
: BUCKI
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**ORDER CONDITIONALLY GRANTING RELIEF
FROM THE AUTOMATIC STAY**

ORDERED, that on or before January 31, 2021, the Debtor shall become current on all real estate taxes concerning the property commonly known as 46 Barnard Street, Buffalo, NY 14206 (the “Property”), either by stipulation with the relevant taxing authority to cure and maintain the default through an amended Chapter 13 Plan, or by payment in full of all arrears; and it is further

ORDERED, that on or before January 31, 2021, the Debtor shall file a motion to amend the confirmed Chapter 13 plan, to include cure of any and all delinquent post-petition taxes concerning the Property from any relevant taxing authority; and it is further

ORDERED, that going forward the Debtor shall remain current on all tax bills concerning the Property from any relevant taxing authority; and it is further

ORDERED, that in the event the Debtor fails to become current on taxes or fails to file a motion to amend the confirmed Chapter 13 plan by the given deadline, or fails to maintain current future taxes and thereafter fails to cure the default within ten (10) days from the date of service of a written Notice of Default on the Debtor, and Debtor's Attorney, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law with respect to the Property so Movant, its agents, successors and/or assigns in interest may take any and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that in the event that three (3) Notices of Default have been sent to Debtor and Debtor's Attorney as a result of three defaults under this Order, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law to exercise its remedies against the Property so Movant, its agents, successors and/or assigns in interest may take any and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

ORDERED, that the Movant shall promptly report to the Chapter 13 Trustee any surplus monies realized by any sale of the Property.

SO STIPULATED:

By: /s/ Lee J. Fabiatos
Lee J. Fabiatos, Esq.
Attorney for Debtor
6161 S. Park Ave
Hamburg, NY 14075


Date: December 21, 2020

By: /s/ Katherine Heidbrink
Katherine Heidbrink, Esq.
Attorney for Movant
1325 Franklin Avenue
Suite 230
Garden City, NY 11530

Date: December 21, 2020

SO ORDERED:

Dated: DEC 28 2020



Hon. Carl L. Bucki, U.S.B.J.

